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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/045,539	10/26/2001	Masashi Ogawa	JG-SIK-5112/500676.20006	2479	
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REED SMITH, LLP			EXAMINER		
599 LEXINGT	NT RECORDS DEPART FON AVENUE, 29TH FI		PRATS, FRANCIS	NCISCO CHANDLER	
NEW YORK,	NY 10022-7650	•	ART UNIT	PAPER NUMBER	
			. 1651		
			DATE MAILED: 06/03/2003	1	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary 10/045,539		Application No.	Applicant(s)				
Francisco C Prats 1651	Offic Action Summan	10/045,539	OGAWA ET AL.				
— The MAILING DATE of this communication appears on the cover shift or correspondenc address—Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Estations of time may be sevilated what the processions of 3 CFR 1.136(a), in no event, however, may a reply be timely flied Estations of time may be sevilated and the processions of 3 CFR 1.136(a), in no event, however, may a reply be timely flied If the period for reply specified shore is less than thisty (30) days, a reply within the adulatory period via large and via large 35 (A) MONTHS from benefing date of this communication or the period for reply value the set or set-ended period for reply vall, by datalogy period via large 3 (A) MONTHS from benefing date of this communication is become ABANCONED (30 U.S.C. § 133). Final potent time adjustment. See 37 CFR 1.76(b). Status 1) Responsive to communication(s) filed on	Offic Action Summary	Examiner	Art Unit				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION. Ederacions of litter tray be available under the provisions of 37 CFR 1.35(a). In ne event, however, may a reply be timely filed Ederacions of litter tray be available under the provisions of 37 CFR 1.35(a). In ne event, however, may a reply be timely filed Ederacions of litter tray be available under the provisions of 37 CFR 1.35(b). In ne event, however, may a reply be timely filed Ederacions of litter tray be available under the provisions of 37 CFR 1.35(a). If NO period for reply is apscilled above, the maximum statutory period will apply early uniform to thiny (50) days will be considered litter). If NO period for reply is apscilled above, the maximum statutory period will apply and under the special provision of the security of		, ,					
THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provision of 3 CPR 1.15(g). In no event, however, may a rapit be timely filed after SX (8) MONTHS from the mailing date of this communication. It NO period for regly inspirate under the communication of the communic	• •	ears on the cover shet with the	orrespondenc address				
2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disp sition of Claims 4) Claim(s) 1-13 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) 1-13 are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10 The drawing(s) filed on is/are: a) accepted or b objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a) approved b disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some D None of: 1. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) 10 Notice of References Cited (PTO-892) 21 Notice of Informal Patent Application (PTO-152)	 THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 						
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2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)	Attachment(s)						
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DETAILED ACTION

Claims 1-13 are presented for examination.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-10, drawn to a method of cutting a biological sample by light irradiation, classified in class 435, subclass 40.52.
- II. Claims 11-13, drawn to a device for cutting a biological sample, classified in class 83, subclass 76.2.

Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus as claimed, which comprises only a colored film and support, can be used to practice a number of materially different processes, such as use as a color filter in applications such as liquid crystal displays.

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Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter and different classifications, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Francisco C Prats whose telephone number is 703-308-3665. The examiner can normally be reached on Monday through Friday, with alternate Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G Wityshyn can be reached on 703-308-4743. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9307 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.

Francisco C Prats Primary Examiner Art Unit 1651

FCP May 28, 2003